

REMARKS/ARGUMENTS

The Examiner has delineated the following inventions as being patentably distinct.

Group I: Claims 20-27 and 35, drawn to a molded article.

Group II: Claim 28, drawn to a process of making a molded article.

Group III: Claim 29, drawn to a process of using a molded article.

Group IV: Claims 30-32 and 36, drawn to a composite molded article.

Group V: Claims 33 and 37, drawn to a process of producing a composite molding.

Group VI: Claims 34 and 38, drawn to a method of using a composite molding.

Applicants provisionally elect with traverse Group I, claims drawn to a molded article. The Examiner further required the election of species. Accordingly, Applicants elect the following:

- 1) a process from Claim 28: extrusion.
- 2) an article from Claim 29: facade element.
- 3) a polymer from Claim 31: polyvinyl chloride (PVC).
- 4) a process from Claim 33: film lamination.
- 5) an article from Claim 34: facade element.
- 6) an article from Claim 38: facade element.

Restriction is only proper if the claims of the restricted groups are independent or patentably distinct and there would be a serious burden placed on the Examiner if restriction is not required (M.P.E.P. §803). The burden of proof is on the Examiner to provide reasons and/or examples to support any conclusion, with regard to patentable distinction (M.P.E.P. §803). Moreover, when making a lack of unity of invention in a national stage application, the Examiner has the burden of explaining why each group lacks unity with each

other (i.e., why there is no single inventive concept) specifically describing the unique special technical feature in each group (M.P.E.P. §1893.03(d)).

Applicants respectfully traverse the restriction requirement on the grounds that the Examiner has not carried the burden of providing any reasons and/or example to support any conclusions that the claims of the restricted groups are patentably distinct, or providing any reasons and/or example to support any conclusions that the groups lack unity of invention.

The Examiner asserts that Groups I-VI do not relate to a single generation inventive concept under PCT Rules 13.1 and 13.2 because they lack the same corresponding special technical feature.

The Examiner, however, has not considered that the claims in each group are considered related inventions under 37 C.F.R. §1.475(b) in which the inventions are considered to have unity of invention. Applicants submit that while PCT Rules 13.1 and 13.2 are applicable, 37 C.F.R. §1.475(b) provides in relevant part that “a national stage application containing claims to different categories of invention will be considered to have unity of invention if the claims are drawn to ... (3) a product, process specifically adapted for the manufacture of said product, and the use of said product”.

Moreover, Applicants respectfully submit that a search of all the claims would not impose a serious burden on the Office. As the Office has not shown any evidence that a restriction should now be required, when the International Preliminary Examination Report did not, restriction is believed to be improper.

For the reasons set forth above, Applicants request that the Requirement for Restriction should be withdrawn.

Applicants request that if the invention of Group I is found allowable, withdrawn Groups II-VI which include the limitations of the allowable claims be rejoined M.P.E.P. §821.04.

Applicants respectfully submit that the above-identified application is now in condition for examination on the merits, and an early notice of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

A handwritten signature in black ink, appearing to read "Paul J. Killos", written over a horizontal line.

Paul J. Killos

Registration No. 58,014

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)